

DEC. 1.2003 4:30PM

NEKTAR THERAPEUTICS

NO. 307

P. 2

PATENT

Practitioner's Docket No. 0064.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CarlosSchuler et al.  
Application No.: 09/852,408  
Filed: May 2, 2001  
For: LOCKOUT MECHANISM FOR AEROSOL DRUG DELIVERY DEVICES

Group No.: 3743  
Examiner: N. Patel

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed July 1, 2003, finally selecting claims 1-9, 11-22, 24-32 and 34-36.

12/10/2003 HMASSEY

01

FC:1252

310.00 DA

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

12/10/2003 HMASSEY 00000003 500348 09852408

01 FC:1401

330.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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Kathy Honnert  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Notice of Appeal fee due \$330.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee \$420.00

If an additional extension of time is required, please consider this a petition therefor.

An extension for one months has already been secured, and the fee paid therefor of \$110.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$310.00

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$330.00

Extension fee \$310.00

**TOTAL FEE DUE \$640.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$330.00 to Deposit Account No. 500348. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 500348.

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Customer No.: 21968

  
Signature of Practitioner

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150 Industrial Road  
San Carlos, CA 94070

Notice of Appeal from the Primary Examiner to Board—page 2 of 2

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**FACSIMILE TRANSMITTAL SHEET**

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TO: Examiner N. Patel  
Group 3743

FROM: Guy Tucker

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DATE: December 1, 2003

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RE: U.S. Serial No. 09/852,408

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☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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NOTES/COMMENTS:

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